

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
MOTOROLA, INC. )  
 )  
Request for Waiver of Sections 90.425 and 90.647 )  
of the Commission's Rules to Authorize Digital )  
Transmission of Station Identification by Public )  
Safety Licensees in the 700 MHz Band )

**ORDER**

**Adopted: October 20, 2005**

**Released: October 21, 2005**

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* On June 6, 2005, Motorola, Inc. (Motorola) filed a request for waiver of certain Private Land Mobile Radio Service operating requirements.<sup>1</sup> Specifically, Motorola seeks a waiver of Sections 90.425 and 90.647 of the Commission's Rules<sup>2</sup> in order to allow Public Safety Pool licensees operating in 764-776/794-806 MHz (700 MHz) band to fulfill the Commission's station identification requirements by transmitting their call signs in the digital mode. For the reasons stated below, Motorola's Request is granted to the extent specified herein.

2. *Background.* Generally, the Commission's rules require Public Safety Pool licensees to transmit their call signs at least every thirty minutes "by voice in the English language or by International Morse Code" on an analog signal.<sup>3</sup> Section 90.647(c) allows 800 MHz and 900 MHz stations -- but not 700 MHz Public Safety stations -- to transmit their call signs digitally, provided they "are licensed on an exclusive basis, and normally employ digital signals . . . ."<sup>4</sup> Licensees that identify themselves in this manner must provide the Commission, upon request, information sufficient to decode the digital transmission and ascertain the call signs transmitted.<sup>5</sup> At the time that the Section 90.647 exception was adopted for the 800 and 900 MHz bands,<sup>6</sup> the technically similar 700 MHz band was still allocated for Television Channels 60-69.

<sup>1</sup> Motorola, Inc. Request for Waiver (filed June 6, 2005) (Request).

<sup>2</sup> 47 C.F.R. §§ 90.425, 90.647.

<sup>3</sup> See 47 C.F.R. § 90.425(a).

<sup>4</sup> See 47 C.F.R. § 90.647(c).

<sup>5</sup> *Id.*

<sup>6</sup> See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, *First Report and Order and Further Notice of Proposed Rule Making*, PR Docket No. 89-553, 8 FCC Rcd 1469, 1481 ¶¶ 48-49 (1993) (*Phase II Order*).

Subsequently, the 700 MHz band was reallocated for public safety and commercial use,<sup>7</sup> but the Commission did not consider whether to allow a similar exception to the station identification rules for 700 MHz licensees.<sup>8</sup> As a result, exclusively licensed, digital 700 MHz Public Safety stations currently must transmit station identifications using an analog signal, unlike their counterparts in the 800 MHz and 900 MHz bands.

3. Motorola, a radio equipment manufacturer, seeks a waiver of Sections 90.425 and 90.647 of the Commission's Rules to permit 700 MHz Public Safety licensees to transmit call signs digitally, like similarly situated 800 and 900 MHz licensees. Section 90.425 generally requires that call signs be transmitted by voice or by Morse code.<sup>9</sup> Section 90.647 provides an exception to this requirement: "Stations operating in either the 806-824/851-869 MHz or 896-901/935-940 MHz bands that are licensed on an exclusive basis, and normally employ digital signals for the transmission of data, text, control codes, or digitized voice may also be identified by digital transmission of the call sign."<sup>10</sup> By its terms, this exception does not include stations operating in the 700 MHz band. Motorola asserts that the current requirement for 700 MHz Public Safety licensees is inequitable because similarly situated 800 MHz and 900 MHz licensees are permitted to transmit their call signs digitally.<sup>11</sup> Motorola also argues that requiring analog station identification is contrary to the public interest because it can disrupt digital operations; and because the requirement can increase the complexity and cost of 700 MHz equipment, which would have to be equipped with analog circuitry just to provide the voice or Morse Code identification require by Section 90.425.<sup>12</sup>

4. *Discussion.* We may grant a waiver request if the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or, in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>13</sup> For the reasons set forth below, we conclude that the application of our rules so as to prohibit digital transmission of call signs by 700 MHz Public Safety licensees does not serve the purpose of the rules, and would be inequitable and unduly burdensome. We also conclude that grant of the requested waiver is in the

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<sup>7</sup> See Balanced Budget Act of 1997, Pub. L. No. 105-33, § 3004, 111 Stat. 251, 268; see also Reallocation of Television Channels 60-69, the 746-806 MHz Band, *Report and Order*, ET Docket No. 97-157, 12 FCC Rcd 22953 (1997).

<sup>8</sup> We note that the Commission recently sought comment on a proposal to apply to the 700 MHz band the rule regarding station identification in the 800 MHz and 900 MHz bands. See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements for Meeting Federal, State, and Local Public Safety Communications Requirements Through the Year 2010, *Fifth Memorandum Opinion and Order, Sixth Report and Order, and Seventh Notice of Proposed Rulemaking*, WT Docket No. 96-86, 20 FCC Rcd 831, 849 ¶ 41 (2005).

<sup>9</sup> See 47 C.F.R. § 90.425(a); see also 47 C.F.R. § 90.647(b).

<sup>10</sup> See 47 C.F.R. § 90.647(c). Licensees identifying their stations in this manner must provide the Commission, upon request, sufficient information to decode the digital transmission and ascertain the call sign transmitted. *Id.*

<sup>11</sup> Request at 3.

<sup>12</sup> *Id.* at 4.

<sup>13</sup> See 47 C.F.R. § 1.925(b)(3).

public interest. Accordingly, we grant Motorola's Request to the extent indicated below.

5. The rationale for allowing digital station identification in the 800 MHz and 900 MHz is equally applicable to licensees in the 700 MHz Public Safety band that normally employ digital signals and whose licenses are exclusive. The Commission recognized that requiring a digital station to broadcast analog station identification every thirty minutes would be disruptive.<sup>14</sup> Additionally, because exclusively licensed stations are substantially less likely, compared to stations licensed on a shared basis, to cause co-channel interference, there is less need for the Commission to be able to monitor for such stations' transmissions.<sup>15</sup> Moreover, at the time our existing rule allowing digital transmission of call signs in the 800 MHz and 900 MHz band was adopted, the Commission did not contemplate including Public Safety licensees in the 700 MHz band in the exception because such licensees did not then exist. Today, however, Public Safety licensees in the 700 MHz band can be licensed exclusively and operate digitally, like Public Safety licensees in the 800 and 900 MHz bands. Because the rationale for permitting licensees in the 800 MHz and 900 MHz bands to identify their stations by digital means also applies to Public Safety licensees in the 700 MHz Public band, granting a waiver will serve the purpose of the rule. In addition, requiring 700 MHz Public Safety licensees to transmit station identification by analog signal only is inequitable, given that technically similar licensees in the 800 MHz and 900 MHz bands face no such requirement.

6. Requiring analog transmission by Public Safety licensees in the 700 MHz band also would be unduly burdensome and contrary to the public interest, because it could have disruptive effects on critical public safety communication systems. The Commission has already recognized the potential disruptive effects of requiring an analog transmission every thirty minutes on a channel normally used for digital signals.<sup>16</sup> An analog transmission requirement is as potentially disruptive to Public Safety licensees in the 700 MHz band as it is to licensees in the 800 MHz and 900 MHz bands. Further, requiring analog transmission of station identification by Public Safety licensees in the 700 MHz band could increase equipment costs for these Public Safety licensees. Requiring Public Safety licensees to expend their limited resources on equipment functionality that will not contribute to their important missions is not in the public interest.

7. *Conclusion and Ordering Clauses.* For the reasons stated above, we conclude that application to 700 MHz Public Safety Pool licensees of our rule requiring analog transmission of station identification does not serve the purpose of the rule, and would be inequitable, unduly burdensome, and contrary to the public interest. Accordingly, we grant the waiver requested by Motorola. Further, we see no need to make the waiver manufacturer-specific; this waiver relief therefore applies to all manufacturers of digital equipment in the 700 MHz public safety band and to all public safety licensees using the band. Accordingly, we grant a waiver permitting Public Safety licensees in the 700 MHz band to transmit station identification digitally, subject to the following conditions:

- The licensee must be licensed on an exclusive basis, and normally employ digital signals for the transmission of data, text, control codes, or digitized voice.
- The licensee must provide the Commission, upon its request, information sufficient to decode the digital transmission and ascertain the call sign transmitted.

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<sup>14</sup> See *Phase II Order*, 8 FCC Rcd at 1481 ¶ 49.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

--This waiver is granted subject to the Commission's decisions in WT Docket No. 96-86, and shall terminate upon the effective date of the rules promulgated in that proceeding.

8. Accordingly, IT IS ORDERED that, pursuant to Sections 4(f) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(f), 154(i), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, the Request for Waiver filed by Motorola, Inc. on June 6, 2005, IS GRANTED to the extent indicated above.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Chief, Public Safety and Critical Infrastructure Division  
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